

*see also*8/27/01
ny

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD ACKERMAN,

:

Petitioner

:

CIVIL NO. 1:CV-01-1048

v.

:

(Judge Caldwell)

JOHN MCCULLOUGH,

:

Respondent

:

FILED
HARRISBURG, PA

AUG 23 2001

O R D E R

 MARY E. D'ANDREA, CLERK
 PER *JK*
 DEPUTY CLERK

AND NOW, this 23rd day of August, 2001, it is ordered
that:

1. Petitioner's application to proceed in forma pauperis (doc. 2) is denied as moot as Petitioner has paid the \$5.00 filing fee.
2. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Schuylkill County.
3. Within twenty days of the date of this order, Respondents shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:
 - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any postconviction remedies;
 - (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

- (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
 - (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a postconviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.
4. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.
 5. Petitioner shall, if he so desires, file a reply brief within fifteen days of receipt of the Respondents' filings.
 6. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.


William W. Caldwell
William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

August 23, 2001

Re: 1:01-cv-01048 Ackerman v. McCullough

True and correct copies of the attached were sent to the following:

Edward Ackerman
SCI-HOUTZDALE
CW-5843
P.O. Box 1000
Houtzdale, PA 16698-1000

cc:
 Judge _____
 Magistrate Judge _____
 U.S. Marshal _____
 Probation _____
 U.S. Attorney _____
 Atty. for Deft. _____
 Defendant _____
 Warden _____
 Bureau of Prisons _____
 Ct Reporter _____
 Ctroom Deputy _____
 Orig-Security _____
 Federal Public Defender _____
 Summons Issued _____ with N/C attached
 Standard Order 93-5 _____
 Order to Show Cause _____ with Petition attached
 to: US Atty Gen _____
 DA of Count _____
 Bankruptcy Court _____
 Other _____

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Recipient's Name (Please Print Clearly) (To be completed by mailer) <i>John McCullough</i>	
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MARY E. D'ANDREA, Clerk	

DATE: 8/23/01

BY: GD
Deputy Clerk